



It's Not Over in October! **A Guide to LEPCs: Implementing EPCRA**

December, 1988

About This Booklet

The purpose of this booklet is to offer suggestions to Local Emergency Planning Committees (LEPCs) to help them implement Title III; it is not a comprehensive guide to running an LEPC.

This booklet draws on the experience of those LEPCs that have developed comprehensive plans as well as on the experience of the U.S. Environmental Protection Agency (EPA), the Federal Emergency Management Agency (FEMA), the states, the Chemical Manufacturers Association (CMA), other industry and trade associations, and public interest groups.

It is intended to help LEPCs establish and maintain their momentum in meeting the Title III mandate and to address some possible implementation problems.

The following organizations developed this booklet:

- American Red Cross
- Chemical Manufacturers Association
- Environmental Policy Institute
- Federal Emergency Management Agency
- International City Management Association
- International Association of Fire Chiefs
- National Association of Counties
- National Coordinating Council on Emergency Management
- National League of Cities
- National Safety Council
- National Wildlife Federation
- U.S. Chamber of Commerce
- U.S. Environmental Protection Agency

The following organizations supported this booklet:

- Adhesive and Sealant Council, Inc.
- Agency for Toxic Substances and Disease Registry, U.S. Public Health Service
- American Coke and Coal Chemicals Institute
- American Institute of Chemical Engineers
- American Library Association
- Association of New Jersey Environmental Commissions
- The Chlorine Institute, Inc.
- Citizen Action
- Citizens Commission on Bhopal
- Cleveland Council on Hazardous Materials
- The Cosmetic, Toiletry, and Fragrance Association, Inc.
- Dry Color Manufacturers' Association
- Environmental Action Foundation
- Environmental Defense Fund
- The Formaldehyde Institute, Inc.
- Michigan State Fire Fighters' Union
- National Association of Chemical Distributors
- National Association of Printing Ink Manufacturers
- National Association of Solvent Recyclers
- National Association of State Title III Program Officials
- National Association of Towns and Townships
- National Emergency Management Association
- National Solid Waste Management Association
- Occupational Safety and Health Administration
- Ohio Public Interest Campaign

- OMB Watch
- Research and Special Programs Administration, U.S. Department of Transportation
- The Rubber Manufacturers Association
- Society of American Wood Preservers, Inc.
- Synthetic Organic Chemical Manufacturers Association
- U.S. Public Interest Research Group
- Workplace Health Fund

The review and comments from individuals associated with LEPCs and SERCs are appreciated.

About Title III

In 1986 Congress passed the Emergency Planning and Community Right-to-Know Act as Title III of the Superfund Amendments and Reauthorization Act (SARA). Congress enacted this law to help local communities protect public health and safety and the environment from chemical hazards.

To implement Title III, Congress required each state to appoint a State Emergency Response Commission (SERC). The SERCs, in turn, were required to divide their states into emergency planning districts and name a Local Emergency Planning Committee (LEPC) for each district.

The expertise (e.g., fire fighting, health, local officials, community groups, media, facility representatives, emergency management) of the required LEPC members ensures that all the necessary elements of the planning process are represented.

The LEPC is the focal point for Title III activities in the community. The performance of the LEPC is critical to ensuring that the public benefits from the opportunities and information provided for under the law.

The responsibilities of the LEPCs are stated in the law: each LEPC must develop an emergency plan, collect and store information provided by facilities, and make that information available to the public. Other LEPC activities can be anticipated and are important to carrying out the spirit of the law. For example, LEPCs will provide a continuing forum in which the local community and facilities can discuss issues related to hazardous substances.

Two of the main goals of Title III are to:

- Provide a basis for each community to develop a chemical emergency preparedness and planning program that suits its individual needs; and
- Provide the public with the identity, quantity, location, and properties of hazardous substances in the community as well as data on annual releases of certain chemicals into the environment.

Title III sets October 17, 1988, as the deadline for each LEPC to complete a comprehensive emergency plan. However, October 17 is not the end of the planning process; it is the first step. Each plan must be revised and updated annually. SERCs must review and make recommendations for any revisions.

Other LEPC activities such as managing the information collected from facilities and making it available to the public, coordinating response activities with other planning districts, conducting exercises based on the plan, training, and maintaining the dialogue with the community and industry to improve the safety of facilities and preparedness for accidents are ongoing. In short, as far as LEPCs and the law are concerned, it's not over in October.

Getting Off to the Right Start: Outreach Makes It Work

Title III introduced a new relationship among governments at all levels, the private sector, public organizations, and the general public. Each group has a different, but equally important role in making emergency planning and community right-to-know work. The goal is national chemical safety and the value to a community can be very real.

The need for outreach -- establishing and maintaining two-way communication -- is a responsibility everyone shares. The need for outreach in this program is unprecedented because the audience is so diverse.

For example, states and localities need support to implement the law; industry needs to understand how and when to comply; the public needs to be aware of the kinds of information available and what it might mean to them. Everyone has a role and the LEPC is critical to the success of the program.

A Role for Everyone

- The federal role is to provide national leadership, guidance, technical assistance, access to data about chemical releases, and training through the states.
- The states, through the SERCs, provide leadership to ensure that an emergency planning and implementation structure is developed and to provide training and technical assistance to communities.
- The local role is to work with LEPCs in actually carrying out emergency planning, community right-to-know, and response functions.
- Industry complies with Title III reporting requirements and participates actively with LEPCs and SERCs to ensure that Title III works.
- The public can get involved by increasing their awareness and understanding of chemical risks and supporting actions to increase public safety and protection of the environment.

The LEPC Is the Key

Although EPA, FEMA, other federal agencies, state governments, and industry are cooperating with local communities to make Title III work, the ultimate responsibility for the success of the program rests with you at the local level.

Because you are most familiar with your community, you are in the best position to develop plans to prevent emergency situations, to ensure appropriate responses if they occur, and to become the forum in your community for discussions and decisions on hazardous substances.

The SERCs appoint LEPCs and have the responsibility for coordinating and supervising LEPC activities, but it is up to you at the local level to make the LEPC work. The mission of your LEPC is:

- To develop a comprehensive emergency plan for your community by October 17, 1988, and keep the plan up-to-date. To be effective, planning must be an ongoing activity;

- To receive information about accidental chemical releases;
- To collect, manage, and provide public access to information on hazardous chemicals in your area;
- To educate the public about risks from accidental and routine releases of chemicals and work with facilities to minimize the risks.

The first three responsibilities are mandated by Title III; the last is not included in the letter of the law, but rather in its spirit. The right-to-know provisions of the law will be of limited value to the community unless the public is given the means to understand the information and its implications. The ability of your LEPC to improve the safety of your community will be far greater if you have an informed and active citizenry to support your activities.

"Because YOU are most familiar with your community, you are in the best position to develop plans to prevent emergency situations."

SERCs designated emergency planning districts for which LEPCs have been named. Thirty-five states used existing local government subdivisions (counties, municipalities, or a combination of the two). Ten states and one territory named existing regional response or planning districts. Five states designated the entire state as the planning district.

Overall, an estimated 4,000 districts have been designated across the country. Some states have allowed local jurisdictions to consolidate into multi jurisdictional districts to form their LEPC.

Work with Your SERC

You should look upon your SERC as a resource that can provide support and might save you time and money. The law requires SERCs to provide coordination and oversight of LEPCs; the SERC should serve as your link to state environmental and health agencies as well as to state law enforcement and emergency management offices. These agencies may be able to provide technical assistance and guidance.

The SERC is also your link to the Regional Response Team (RRT), which is available to review plans from state priority areas and provide information on federal assistance during an emergency. Your SERC may be able to provide you with some of the following kinds of assistance:

- Planning assistance, plan testing, and training;
- Information on sources of funding;
- A storage/retrieval location for computerized information, as well as other information management assistance;
- Contact with statewide and possibly national industry groups that can help you with information and expertise;
- Workshops that focus on Title III issues;
- Data on chemicals being transported on interstate and state highways that pass through your planning district; and
- Literature that can be used to inform the public about Title III.

Because the SERCs will be reviewing all LEPC plans, they will have information and ideas they can pass on to you. Working with your SERC at an early stage will be to your benefit. "The SERC should serve as your link to state agencies."

All states as well as the District of Columbia, Puerto Rico, and American territories have established SERCs. Some states, such as Nebraska and Mississippi, have named a single state agency to act as the SERC. Others, such as Montana, have drawn members from a number of state agencies.

Many states have included local officials, industry representatives, and the public as well as state officials; for example, the Ohio SERC has 14 representatives of state agencies and 17 members drawn from industry, public interest groups, and local officials.

Knowing the Law

Title III is a complex law that places a number of requirements on you, your SERC, facilities, and EPA. To carry out your role, it is important that you understand the law.

One part of Title III that has confused some LEPCs involves the various information reporting requirements. You will receive different kinds of information from facilities about chemicals on several lists. This information must be made available to the public through the LEPCs and SERCs.

Facilities may also give you information that they are required to submit only to the SERCs and EPA. The following is a summary of the Title III reporting requirements.

Emergency Planning (section 303)

Facilities that have one or more of 366 extremely hazardous substances in quantities above limits set by EPA (threshold planning quantities) must notify you that these substances are present. Substances are included on the list of extremely hazardous substances because they are acutely toxic, that is, they can cause death or injury with a brief exposure.

In addition to facilities that handle these chemicals, Title III requires you to identify any other facility that could pose a risk or be at risk (e.g., hospitals or facilities that handle explosives or flammable substances). A comprehensive plan will include all facilities and transportation routes that you judge to pose a threat even if they do not handle extremely hazardous substances.

Emergency Notification (section 304)

You and the SERC will receive emergency information (e.g., identity of the substance released, the quantity released, health effects) about accidental releases of chemicals on the extremely hazardous substances list, as well as substances covered by Superfund, the hazardous substance cleanup program. As soon as possible after an accident, the facility must submit a written follow-up notice with additional information.

Hazardous Chemical Reporting (sections 311-312)

Each LEPC, SERC, and local fire department will receive information on hazardous chemicals for which the Occupational Safety and Health Administration (OSHA) requires industry to have Material Safety Data Sheets (MSDSs). MSDSs include the basic characteristics of the chemical involved; this information can be used for emergency planning, response, and other public purposes.

Under section 311 facilities must submit either the MSDS for each chemical or a list of MSDS chemicals. Under section 312 each facility must submit an inventory form that includes general information on the quantity and location of OSHA-regulated hazardous chemicals it handles and stores.

Toxic Release Inventory (section 313)

EPA headquarters and the states will receive information about total annual releases to air, land, and water of over 300 toxic chemicals and 20 chemical categories listed under section 313 of Title III. EPA is required to make this information available to the public through a database. In general, the chemicals on the section 313 list are those that are toxic, are suspected carcinogens, or are capable of having a significant adverse effect on the environment.

Although industry is not required to submit the release information to your LEPC, some companies may provide it to you directly. You should request it from the state or facilities or access the EPA database. This information will assist you in developing a full picture of chemical hazards for your community and for individual facilities. The public may request it and you can anticipate questions on this information.

In summary, your plan must include facilities that have extremely hazardous substances. You will receive information about other chemicals. Together these four reporting requirements provide a broad picture of hazardous chemicals present in your community. The information you receive will help your planning and make it easier for you to make decisions about the potential hazards posed by these chemicals in your community.

Get Everyone Involved

Congress required that LEPC meetings and decisions involve public participation and that you provide the public with access to the information you receive. The right-to-know provisions of Title III are meant to give the LEPC and the public information about chemical hazards and to involve the entire community in a process of protecting public safety and health and the environment.

LEPCs are to be broad-based and include, at a minimum representatives of elected officials, law enforcement, emergency management, fire service, emergency medical services, health, local environmental and transportation groups, hospitals, the media, community groups, and owners and operators of the facilities covered under Title III. The average LEPC has about 15 members.

Regardless of the number of members, you must be sure that the LEPC membership represents the entire community, particularly those people who will have to make the plan work in an emergency. Your plan is more likely to be carried out successfully if the people who have to use it have a voice in creating it.

In addition, wide-ranging community involvement will increase the credibility of the plan and improve community cooperation in an emergency.

Leadership Is Critical

The LEPC chairperson can be any LEPC member. Some LEPCs have chosen political leaders; others have appointed representatives from public safety departments, emergency management agencies, environmental agencies or groups, industry, or civic organizations.

Important factors to consider are the leader's availability, credibility, management and communications skills, commitment to the process, and the degree of respect the person has from other members and the community.

Because LEPC members have diverse backgrounds and perspectives, conflicts could arise. Members should see their role as providing their particular expertise, rather than representing a specific organization. For example, the media representative does not represent a newspaper or broadcast station looking for a story, but rather is there to ensure that communications issues are addressed adequately. "The LEPC membership represents the entire community."

The Baytown, Texas, LEPC created joint industry/non-industry co-chairs for the LEPC as a whole and for individual subcommittees. The LEPC will include representatives from the following:

- Petrochemical industry
- Baytown Health Department
- Houston Emergency Management
- Fire Department
- Police Department
- American Red Cross
- City Safety Coordinator
- City Public Works Engineering
- Office of the state senator
- Baytown Emergency Management
- Baytown City Manager
- Baytown newspaper
- Local radio station
- Medical community
- School district
- Women's Club
- Chamber of Commerce
- Baytown Emergency Services
- Environmental groups
- Private citizens

"Sub committees allow members to specialize and help move the process forward."

The Racine, Wisconsin, LEPC has established 7 standing subcommittees.

- Medical and Community Health
- Fire Service

- Public Information and Media Relations
- Law Enforcement
- Facilities
- Liaison (with SERC, EPA)
- Border (for cross-county planning)

Appoint Subcommittees

Large LEPCs have found that dividing the work among subcommittees can facilitate planning and data management. Subcommittees allow members to specialize and help the process move forward more quickly because you can work on several areas at one time. You might appoint subcommittees for the following tasks:

- Gathering and reviewing existing community and facility plans;
- Making a list of existing response equipment available in the community;
- Identifying financial resources;
- Coordinating with neighboring LEPCs and the SERC;
- Conducting a hazards analysis;
- Managing information (e.g., MSDSs); and
- Replying to citizens' requests for information.

Encourage Compliance

Businesses that manufacture, process, or handle any hazardous or toxic chemicals in quantities above EPA's limits must comply with Title III. However, small companies that use hazardous substances and perhaps even larger businesses that do not usually think of themselves as involved with chemicals may need your help.

Because some small businesses may not be aware of Title III, let alone that they are subject to its provisions, one of your first jobs will be outreach -- getting the message to small businesses, as well as large companies, to encourage their compliance.

Many business owners belong to organizations such as the Chamber of Commerce, Rotary, and local manufacturers' associations. Speaking to meetings of these groups and using their newsletters can help get the message out inexpensively. If you, your SERC, local industries, or trade associations have printed brochures about Title III, you may be able to include the brochures in a newsletter mailing.

Some LEPCs have sent notices to industry in utility bills. You may also want to have your SERC contact statewide trade associations and use their newsletters, meetings, and trade shows to reach particular groups of small businesses that might not be aware of Title III. Local governments may also be covered under Title III.

For example, municipal water and sewage treatment plants may use chemicals that are listed as extremely hazardous substances.

Transit authorities may also handle extremely hazardous substances in sufficient quantity to be covered by Title III. You may be able to use the appropriate representatives on your LEPC to ensure that such local agencies are aware of the requirements. "Small companies that use hazardous substances may need your help."

Reaching the back shop electroplating plant with its 5,000-gallon dip tank of sulfuric acid was the concern of Bob Straw, chairman of the York County, Pennsylvania, LEPC. Straw included a member of the county manufacturers association on the LEPC to serve as a link to these small businesses. He also appointed the county agricultural agent to help the committee contact farmers.

Through these people, Straw was able to put notices about Title III requirements in newsletters from the manufacturers' association and the local Chamber of Commerce.

Title III (section 303) requires that a plan include at least the following:

- Facilities that have extremely hazardous substances (EHSs), routes used to transport EHSs, and other facilities contributing to or subject to risks;
- Methods and procedures to be followed by facilities and responders during an incident;
- Designation of community and facility emergency coordinators;
- Procedures or effectively notifying the community of a release;
- Methods for determining the occurrence of a release and identifying areas likely to be affected;
- Emergency equipment and facilities in the community and at covered facilities;
- Evacuation plans;
- Training programs; and
- Methods and schedules for testing the emergency plan.

In addition, plans should clearly identify a chain of command during response actions and provide for effective communications among those who respond. See NRT-1 for a detailed discussion of elements to be included in an emergency plan.

Draw on Existing Plans

Existing plans developed specifically for your area may include information about issues, such as transportation routes, that you will need to consider. You can reduce your planning load by "piggybacking" on these plans; that is, you can use the information and ideas in existing plans as a basis for developing elements of your plan.

Before using information from other plans, however, be sure it is up-to-date and relevant to your plan.

- If your area has an "all-hazard emergency operations plan funded by FEMA, or other state or local plans, you may be able to integrate your Title III plan into the overall plan as an appendix (see NRT-1).
- If your area is near a nuclear power plant, check existing plans for traffic control, evacuation, or sheltering provisions; many such provisions may be applicable to planning for chemical emergencies.

- If hospitals in the area already have mass casualty plans, you can probably incorporate portions of these.
- If your fire departments have mutual aid agreements with other jurisdictions, you will probably want to integrate these in to your Title III plan.
- If local facilities have plans developed under the Chemical Manufacturers Association's Community Awareness and Emergency Response program (CAER), you may be able to incorporate these.

Developing an emergency plan is time-consuming. Some possible short-cuts, such as using a "model plan." are not only contrary to the intent of Title III planning but more importantly will reduce effective local preparedness in the long run. "Model plans" have generalized language appropriate for any planning district, with blank spaces in which a LEPC can insert specific local information.

Using a model plan does not encourage the active participation of all LEPC members in the planning process and does not recognize unique local issues.

Set Priorities

Title III sets October 17, 1988, as the deadline for each LEPC to complete a plan. While you must have a first plan by this date, you may not have a comprehensive plan completed by the deadline. As you work toward the October 17 deadline, you will need to set priorities. To determine which facilities you should plan for first do a hazards analysis in order to identify those that pose the greatest risk.

These can be facilities that handle large quantities of extremely hazardous substances, facilities that have had serious releases in the past, or facilities that are close to highly populated areas.

Then focus your planning efforts on the high priority hazards. Technical Guidance for Hazards Analysis - Emergency Planning for Extremely Hazardous Substances (prepared by EPA, FEMA, and the U.S. Department of Transportation (DOT) provides technical assistance to LEPCs to assess the hazards related to potential airborne releases.

You can follow the guidance to decide which hazards pose the greatest risk and develop plans for high priority hazards before the October deadline. You should then expand the plan, where needed, to cover the lower priority hazards in your area.

The exercises or simulations you run to test your community's ability to respond to an emergency and your annual plan reviews will provide the basis for revising the plan and for developing standard operating procedures for responders. "Develop plans for high priority hazards before the October deadline."

A hazards analysis is essential to developing a plan. As used in NRT-1 and in the Technical Guidance the term "hazards analysis" includes three steps:

- Hazards Identification: determining the identify, location, and quantity of hazardous chemicals, and the hazards they pose.
- Vulnerability Analysis: determining the areas, populations, and facilities that may be vulnerable to harm if a release occurs.
- Risk Analysis: determining the likelihood of a release and the severity of the consequences.

A community hazards analysis should not be confused with facility risk assessments or hazard evaluations, both of which involve formal. "Some of your best sources of help are the organizations in your community that deal with emergencies."

In Pampa, Texas, the fire department is expanding an existing program in which every business in the city is inspected annually for fire hazards. During the inspections, a hazardous materials response team member surveys the facility to determine reportable chemicals, informs the owner or operator about Title III, and assists with reporting procedures. This not only helps planning, but also enhances fire department's relations with the public.

The Butler, Kansas, LEPC found help in an unlikely place: the state prison honor camp. A well-educated inmate was working as a file clerk in the Health Department. The LEPC got him interested in Title III and he directed the county's hazardous materials survey.

Make the Best Use of Available Resources

Because LEPC members are likely to have full-time jobs, you will need to be creative in your use of community resources to help carry out the LEPC's functions. Many LEPC members will be able to call upon their organizations' staff for some support functions. Community groups, volunteer organizations, environmental and public interest groups, and industry may be able to provide administrative and secretarial support.

Technical support may be available from science and engineering faculties at local colleges or high schools, from industry, or from retired scientists and engineers. Some of your best sources of help for planning and outreach are the organizations in your community that deal with emergencies.

For example, fire departments can help analyze hazards and assess potential risks; police departments may have information about possible evacuation routes; the local emergency management agency can provide information on existing emergency procedures.

LEPC members represent a wide range of community agencies and organizations. Maximize your capabilities by using the LEPC members as contact points to identify people within the community who can provide you with specific help.

Talk with Neighboring Communities

Consult with your neighboring LEPCs, especially if you have common risks and concerns. In an emergency, you may have to call on them for help or they may call you. In many cases, plans must include several communities to be effective. Consider the need to:

- Identify whom to call in other planning districts if you need help in an emergency;
- Ask them how they are funding their activities;
- Identify available response equipment and personnel;
- Negotiate procedures for mutual assistance for emergencies that cross boundary lines;
- Coordinate your hazards analyses;
- Coordinate your review of transportation routes; and
- Investigate sharing computers or other resources.

Each LEPC should consider its neighboring LEPCs as partners and resources. They share your problems; working with them may help you find common solutions.

"Consider your neighboring LEPCs as partners and resources."

When the hazards analysis subcommittee of the Prince William County, Virginia, LEPC needed information on transportation routes, one subcommittee member suggested that neighboring LEPCs might have information because the types and quantities of hazardous materials transported on the interstate highway through Prince William County would be roughly the same on other segments of the highway.

After he began asking other planners in the area for information on the availability of transportation databases for the highway it was discovered that the State of Virginia had such a data base.

The Chemical Transportation Emergency Center (CHEMTREC), operated by CMA, provides information and assistance to first responders at the scene of a chemical release. CHEMTREC contacts the shipper or producer of the material for more detailed information, including on scene assistance when feasible.

CHEMTREC provides a digital transmission of the chemical report which includes data on the hazards, protective actions needed, mitigation techniques, and first aid. For emergencies involving chlorine, a call to CHEMTREC will activate the mutual aid program operated by the Chlorine Institute, the Chlorine Emergency Plan.

The initial process of data collection creates a dialogue between the LEPC and chemical facilities that may lead to prompt safety results.

The Washington, DC, LEPC has met with an official of each industry that uses extremely hazardous substances within the city. Discussions led to immediate commitment by one industry to reduce the amount of ammonia on site. The city's sewage treatment plant will reduce its storage of chlorine by 60 percent.

Industry's Role

Title III requires each facility owner or operator with extremely hazardous substances to promptly provide you with any information you need to develop and implement the emergency plan. Title III also requires these facilities to designate a facility emergency coordinator.

Experience has shown that many facility emergency coordinators will be eager to cooperate with you. They can provide:

- Technical experts;
- Community awareness programs;
- Training and safe handling instructions;
- Access to non-emergency chemical information through the Chemical Referral Center;
- Computer assistance; and
- Information about transportation routes.

Facility hazard information, safety audits, and emergency plans are a good starting point for information gathering and planning.

The Chemical Manufacturers' Association (CMA), a trade association for chemical companies, developed the Community Awareness and Emergency Response (CAER) program to encourage chemical plant managers to take the initiative in opening a dialogue and cooperating with local communities to develop integrated hazardous materials response plans.

Even if you have no CAER facilities in your district, CAER resources (e.g., "CAER Program Handbook") can be useful to LEPCs.

Managing information

Title III requires local facilities to give you information on a variety of substances. You are probably already facing the problem of how to cope with all this material. As you develop strategies to deal with the material, keep in mind that:

- You must have procedures for making the material available to the public;
- You are required to designate an information coordinator; and
- You must be able to access the information quickly in an emergency.

LEPCs are using a number of approaches to organize the Title III materials. Some LEPCs are able to manage the data manually using the LEPC members or staff. Other LEPCs manage the data using their own computers or those of other agencies with systems and information management techniques already in place.

If your LEPC wants to use a computer to handle the information but does not have the funds to buy one, you may be able to enlist the help of your local fire departments, local governments, state agencies, or local businesses. They may have computers, software, and staff who can help organize the data. In the case of fire departments or other government agencies, they may already have data bases that can be expanded to include your information.

One method of controlling the amount of data you have to handle is to encourage facilities fulfilling MSDS requirements to supply a list of the chemicals for which MSDSs are required, rather than to supply the MSDSs themselves. You can then request MSDSs on those chemicals that are of particular concern.

If you need more information on certain chemicals, you can draw on a number of data bases maintained by federal agencies and on CMA's Chemical Referral Center (1-800-262-8200), which provides access to chemical information in non-emergency situations.

For some LEPCs, developing a system for accessing information during an emergency will be challenging. Areas having one or two facilities may be able to store files on emergency response vehicles for now. However, communities receiving large volumes of information will need other approaches.

A number of communities are exploring computer systems or asking facilities to set up lock boxes on site that contain the information about the facility.

Kansas is planning to set up an integrated computerized data base to handle all Title III information submitted in the state. LEPCs will be able to use the system to gain access to chemical data and to feed it to responders. The state also hopes to make the information available on computer disks for libraries so the public will be able to check on local facilities if they wish.

"Educating the public about risks and involving them in decisions are important challenges for LEPCs. "

The SERC and local industries may be able to help you with risk communication. EPA has published a short pamphlet, *Explaining Environmental Risk*, which can help you deal with both the public and the press, and *Technical Assistance Bulletin #4*, which summarizes the results of a conference on risk communications. CMA and the New Jersey Department of Environmental Protection have also published material on this subject.

Responding to Public Requests

Title III gives the public the right to obtain copies of Information the facilities submit to you. You should keep this in mind when you develop methods of organizing information. For instance, you may want to file the data by facility for emergency purposes, but the public may be more interested in obtaining information on all the facilities in the area using a particular chemical.

Reserve some of your LEPC resources for responding to public requests for information. Simply providing the information may not be enough; you may also have to help the public understand the risks posed by certain substances and certain situations. Although it has often been left to technical experts, educating the public about risks and involving them in decisions about what is an "acceptable" level of risk are important challenges for LEPCs.

The LEPC, as the focal point for public discussion, can help reach a common understanding of the risks in the community and can help communicate this information to the general public.

Sometimes, anger about what the public perceives as risky situations arises not so much from the actual risk, as from people's feeling that they have no control over what is happening to them. You can mitigate this by including the public in the decision-making process from the beginning.

Liability

Check with your SERC about your state law and ask about liability considerations and protection. Some LEPCs and individual LEPC members have expressed concern that they might be held legally liable if they approve an emergency response plan that proves to be inadequate during an accident. SERCs are generally considered state agencies and are, therefore, covered by the state's immunity provisions.

Some states have extended this immunity to LEPCs through laws or through legal decisions. Others have provided liability coverage for LEPCs.

Funding Your Activities

When Title III was passed, Congress did not provide funding for most of the required activities. Some states and communities have appropriated general revenue funds for LEPC activities; others are relying on implementation fees and existing state agency budgets.

Because states have limited resources, each LEPC must find the means for achieving its goals. Some LEPCs will do their work with little additional money. Your LEPC members may already be donating their time.

LEPCs and Computers

You may have decided that the right computer could help you with your LEPC tasks. Available software can provide you with a way to store information submitted by facilities, conduct hazards analyses, map hazards in your community as part of your planning process, and store information on the properties and health risks posed by chemicals in your area.

Training

Title III mandated federal emergency training courses to emphasize hazardous chemicals. Congress authorized \$5 million a year for 1987 through 1990 for Title III training funds to help state and local governments improve emergency planning, preparedness, mitigation, and response. Over the past two years, several hundred planners from around the country have attended week-long emergency planning training sessions at FEMA's Emergency Management Institute in Emmitsburg, Maryland.

These courses, sponsored by FEMA, EPA, and DOT, are designed to train planners so they will be able to return to states and communities to instruct others. Consult your EPA and FEMA Regional Office for federally sponsored training courses.

One way to maximize the impact of training programs and other information programs is to coordinate them with other LEPCs and with industry. For example, if your LEPC arranges a meeting with experts on transportation planning or hazards analysis, invite your neighboring LEPCs to join you.

If you hear that another LEPC is setting up a seminar that interests you, ask to participate. By doing this, you will create a network of contacts and mutual aid that will benefit everyone.

Enforcement

Section 325 of Title III addresses the penalties for failure to comply with the requirements of this law. Civil and administrative penalties ranging from up to \$10,000-\$75,000 per violation or per day per violation can be assessed to facilities that fail to meet the emergency planning, emergency notification, community right-to-know, toxic chemical release, and trade secret reporting requirements.

Also, criminal penalties of up to \$50,000 or five years in prison may be given to any person who knowingly and willfully fails to provide emergency release notification. Penalties of not more than \$20,000 and/or up to one year in prison may be given to any person who knowingly and willfully discloses any information entitled to protection as a trade secret.

In addition, section 326 allows citizens to initiate civil actions against EPA, SERCs, and the owner or operator of a facility for failure to meet certain requirements of Title III. LEPCs have the authority to initiate actions under the provisions for state and local suits or under the citizen suit provisions of section 326.

CHECKLIST

- Make sure your LEPC membership is broad-based and representative of your community;
- Develop a plan for financing your LEPC;;
- Organize your LEPC to use available resources such as trade and volunteer organizations;
- Develop a public education and information program to:
 - Involve the public in the planning process;
 - Respond to requests for information; and
 - Help the public understand the risks;

- Take steps to reach small businesses in your community;
- Organize your LEPC into functional subcommittees to make the tasks more manageable;
- Include all appropriate agencies, departments, or organizations in the process of developing or reviewing the emergency plan;
- Complete a hazards analysis that:
 - Identifies the types and locations of hazards;
 - Identifies the vulnerable zones and human populations at risk; and
 - Assesses the likelihood of an accident and the severity of consequences to humans;
- Identify available emergency equipment, personnel, and facilities:
 - In the community;
 - At facilities; and
 - In the region;
- Identify (by title or position) the one individual responsible for each participating organization during a response, as well as the one individual responsible for each major response function and service;
- Develop a program to:
 - Train emergency personnel to carry out your plan; and
 - Test the plan and revise it;
- Obtain the Toxic Release submissions for your area in order to develop a full picture of chemical hazards for your community and for individual facilities;
- Review all chemical information you receive for your area and work to reduce risks.